

NEVADA DIVISION OF FORESTRY

State Fire Program Review

Submitted to:

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EXECUTIVE SUMMARY

The Nevada Division of Forestry (NDF) fire program has been at a crossroads in deciding its future direction. To aid in the planning, the state engaged TriData, a division of System Planning Corporation, of Arlington, Virginia, to provide an objective, third party study of the status of the program, with input from its various stakeholders. The study also provides options for the future. TriData had undertaken a similar study for the State of Washington fire program. The study was undertaken for the most part in the second half of 2003. The findings and some key recommendations are summarized below.

Methodology

TriData staff met with NDF headquarters staff and multiple representatives of each major cooperator group, including federal agencies (BLM and the Forest Service); other Nevada state agencies (including the Division of Emergency Management, State Fire Marshal, and Department of Corrections), field offices of NDF, local fire departments, local government officials across the state, and major non-governmental organizations like the Nevada Fire Safe Council and the University of Nevada–Reno Cooperative Extension Program.

The project team reviewed a variety of regulations and ordinances empowering NDF. We reviewed fire data and budget data. We toured a number of the areas in the state to get a first-hand feel for the wildland risks and the local environments. We brought comparative information from a study previously undertaken for the state of Washington but also surveyed other western states, and updated some of that information by contacts to other western states. This study was constrained by time and financial resources, but attempted to get an accurate view of the current status of NDF programs, and the concerns of state officials and the many NDF stakeholders.

Key Findings and Recommendations

The key findings and recommendations of the report are summarized below.

Nevada's Fire Environment – Flammable, fire-prone vegetation dominates much of Nevada's landscape. Like other western states, Nevada has experienced a dramatic escalation of wildland fires in recent years. Fire also represents a natural disturbance that, as a part of the biological order of things, plays an important role in regulating ecological cycles in native vegetation across Nevada's arid landscape and its mountain forests.

However, wildfires are becoming more numerous, larger and more severe, and residential subdivisions are proliferating in fire-prone areas of Nevada. Consequently, the risk of catastrophic private property damage from wildfires is soaring.

The growing number of fires and their intensity trouble resource managers in Nevada. They are appropriately concerned about cumulative, long-term damage to biological resources and environmental quality, especially damage to Nevada's essential watersheds and the loss of critical wildlife habitat.

The Nevada Division of Forestry – Under its legislative mandates, the Nevada Division of Forestry (NDF) coordinates and manages forestry, nursery, endangered plant species, and watershed resource activities on private lands and some public lands in the state. Within that broad mission is protecting life, property, and natural resources through an organized system for preventing, detecting, and suppressing wildfire on forest and rangelands.

By protecting state and private lands not protected by federal agencies and not within incorporated cities, the NDF provides a critical service to Nevadans. However, NDF has had to do this with a much smaller fire program than its federal counterparts in the state. The fire program is also smaller than that of state forestry and natural resource agencies in other western states.

In today's operating setting, interagency partnerships are an essential element of a comprehensive fire management program. Despite its small size, the NDF plays a vital role in Nevada's interagency system.

A COMPLEX AND CHALLENGING MISSION: In light of its complex mission, the NDF is stretched thin, and appears to be chronically under-funded and understaffed in key areas of the state. Consequently, the Division struggles to meet the needs of its constituents, cooperating agencies, and its own employees as it strives to accomplish its mission in an environment complicated by many factors. Most notably, the NDF is significantly impeded from carrying out its responsibilities by six key challenges, which are outlined below.

1. An Archaic Mechanism for Establishing Jurisdiction and Funding Operations

The current mechanism by which NDF establishes jurisdiction and is funded, fire protection districts established under Nevada Revised Statute 473 (NRS 473), is not

meeting current needs of the NDF and its stakeholders, let alone future needs. Ad valorem taxing mechanisms at the heart of NRS 473 present the NDF with three serious dilemmas:

- There is extreme variation in funding levels from district to district and, consequently, it is difficult to achieve a cohesive program.
- Rural counties have limited tax bases that cannot generate sufficient revenue to fund a credible fire program.
- NRS 473 produces the unintended consequence of putting NDF in direct competition and conflict with the local government agencies with whom they are expected to cooperate.

Eight fire protection districts organized under NRS 473 in eight counties make up the NDF fire suppression jurisdiction. So, much of the Division's funding comes from counties, and must be used to deliver services within the county, not for other purposes. Consequently, there are great disparities in funding of the NDF program across the state, which injects a major complication into the Division's operating environment.

The fire program is severely under-funded in some areas and adequate in others. Thus the NDF fire program looks considerably different in each locality, not by design, but driven by the level of revenue a given county can generate from its fire protection district. These circumstances significantly obstruct the Division's ability to lead and manage a comprehensive, systematic fire protection system. Unlike forestry agencies in other states, and because it is significantly funded by local taxes, the NDF lacks as much flexibility as it really needs, to reallocate resources to respond to fire conditions or to meet the needs of the state because of the constraints imposed by the local funding.

2. A Multi-Faceted, Partly Ambiguous Mission

The Division carries out a multifaceted fire management mission in a complex interagency environment. The Division simultaneously:

- Directly delivers wildland fire protection with NDF career resources and through cooperating volunteer fire departments;
- Provides varying levels of structure fire protection, emergency medical service, rescue, and hazardous materials response in four of its eight districts;

- Provides the critical interface between local governments and the federal government for all matters pertaining to wildland and wildland-urban interface fire protection;
- Administers, in cooperation with the Nevada Department of Prisons, 10 Conservation Honor Camps, providing for the training and use of inmates assigned to conservation camps in conservation work and as a primary source of fire crews for all wildland fire agencies operating in Nevada;
- Serves as the Governor's Authorized Representative (GAR) to the Federal Emergency Management Agency (FEMA,) effectively performing as the gatekeeper to federal fire assistance and certification of claims for fire management assistance;
- Supports local government by paying all-risk incident response costs, including fire suppression, in eight Nevada counties and, from time-to-time, bears the cost of mutual aid, mobilization and other large fire support to non-NDF districted counties, without legislative funding to pay for this emergency response.
- Prevents fires and mitigates fire hazards on private lands, through fuel treatment and outreach education;
- Has taken on the emergent issue of a comprehensive strategy for mobilizing fire department resources regionally, statewide and interstate;

It is the evolution of this mission that presents the NDF management with its greatest challenges. Over a period of decades, the NDF fire management mission has changed in response to a mixture of needs perceived both within the organization and by external stakeholders. Positively, the NDF has tailored its program to the various, changing needs across the state. On the other hand, the NDF fire program appears to result as much from incremental additions to the mission (mission creep) as from a comprehensive, systematic strategy.

Federal and local NDF cooperators find the Division's fire program mission vague. Some view the NDF mandate and "legitimate" role in NRS 473 districts as unclear. Others believe that revenue, rather than strategy, drives the NDF mission. All believe that NDF needs to clarify its mission, develop an organizational vision, and plan around those elements.

3. *A Non-Wildfire Element to the Mission*

The NDF fire management mission, which has evolved in response to a variety of needs, now devotes a substantial amount of resources to all-risk emergency services, including structure fire response, emergency medical services, and hazardous materials response. Varying levels of emergency service range from directly providing local services from three 24-hour, career fire/EMS stations in the Sierra Forest Fire Protection District, to coordination of volunteer fire departments in the White Pine County Fire Protection District.

The evolution into all-risk emergency service has contributed to a lack of clarity about the NDF mission, both internally and externally. In places, Division involvement in all-risk emergency service creates overlapping and duplicated efforts. In addition, the all-risk emergency service portion of the NDF mission tends to dilute the agency's core mission of protecting natural resources and property from wildfire.

The Division's federal cooperators believe that NDF is "off-mission" in providing all-risk emergency services. These cooperating agencies believe that by transitioning out of the all-risk emergency service portion of their mission, NDF would better align itself with its cooperators. Fire chiefs in the NDF Western and Southern Regions also would prefer that the Division devolve its non-wildfire responsibilities to local government.

The NDF has come to an inevitable strategic turning point in regard to all-risk emergency services in the urbanizing Sierra Forest Fire Protection District, and is nearing that same decision point in the Mount Charleston Fire Protection District. The Division regards provision of non-wildfire emergency services as a transitional role. In the Sierra Forest and Mount Charleston districts, well-developed fire departments capable of providing service exist and are ready for the transition.

4. *A Lack of Strategic Direction*

The NDF leadership itself perceives a degree of disarray if not chaos in the NDF fire protection program when viewed from a statewide perspective. The Division's three Regions each face similar resource management and fire protection issues, but have at least three different approaches to carrying out the NDF fire management mission. NDF fire districts vary greatly in size, population, economic development, county resources, local fire department capabilities, and political climate.

Given this dramatic variation, the Division's fire protection districts function in some ways as if they were eight unique fire programs. Many of the Division's cooperators believe that this variety of approaches leads to an unclearly defined fire protection system. Consequently, they believe that the NDF needs to clarify its mission and establish a statewide, strategic fire plan integrated with its natural resource objectives, and that it should have an organizational structure able to produce a consistent, comprehensive fire protection system across the state.

In short, the NDF fire program needs to regain focus. The state has given the NDF responsibility for supervising and coordinating all forestry and watershed work on state and privately owned lands in Nevada, including fire control. There also exists a compelling state interest to protect watersheds, critical wildlife habitat, parks, and other economically important lands. For these reasons, the NDF would do well to concentrate on the legislatively mandated portion of its mission.

The Division needs to plan strategically to establish a coherent and comprehensive fire protection system, using an inclusive and collaborative process that involves the NDF's employees, cooperators, and other stakeholders. The NDF strategy should establish a clear and positive vision and direction for the NDF fire program, consistent with the Division's mission. It should include specific, measurable goals.

5. *A Lack of Analysis*

NDF carries out a complicated mission in a complex interagency environment. The operating environment is made more difficult by the previously noted obsolete mechanism for establishing the Division's jurisdiction and funding its operations; and by an unconventional "all-risk" element to its mission. In addition, it is difficult to gain a statewide perspective of the fire problem on Nevada's state and private lands and on the Division's fiscal needs. This is in part because the NDF collects little data on its performance and lacks a level of analysis necessary to know where in the state the Division's services are most needed, at what level the NDF might provide service, what those services would cost, and how they should be funded. Consequently, many of the recommendations made in this report remain at the strategic level, requiring further analysis and detailed planning by the agency to provide the level of specificity necessary to make staffing and funding decisions.

6. *Employee Morale*

The NDF benefits from a staff of capable and dedicated employees. However, it also faces an employee morale dilemma that will impact the ability of the management to effectively carry the agency and its organizational strategy forward. Some employee morale issues are directly related to the issues noted above, while others are related to inadequate communication between management and employees.

The Division's communication issues and strategic issues are closely coupled. NDF employees lack a clear and unifying organizational vision for the fire management program, and want to understand what is happening in several strategic areas. Most prevalent are concerns over the future of the NDF fire mission and the future of its all-risk emergency services. This report recommends that the NDF address its employee morale issues by taking the following four key actions:

- Establish a formal human resources function in the NDF, retaining a qualified, professional human resource manager and implementing a comprehensive human resource management system.
- Contract to develop and implement an aggressive supervisory and leadership training curriculum in the NDF.
- Undertake immediate efforts to open better lines of communication between the NDF State Office and its field personnel.
- Develop a communications plan for NDF that focuses on getting information to various stakeholders and cooperators to avoid misunderstandings and ill will caused by lack of information or misinformation.

Vision for the Future

This report makes 91 specific recommendations that address nearly all the elements of the NDF fire management program. In the final analysis, we believe that the NDF would better serve the state if it could implement its authorities relating to wildland fire on all state and private lands in Nevada not protected by federal agencies or lying within incorporated cities. This model envisions the NDF as a wildland fire management agency implementing a comprehensive fire protection system on a statewide basis. Fulfilling this vision would require a fundamental change in the funding system, a substantial budget increase, and new mechanisms for establishing NDF jurisdiction.

To implement this model the state legislature would replace or amend NRS 473 with legislation authorizing and funding the NDF to provide statewide protection of private lands outside municipalities, other established fire protection districts, or federal jurisdiction. Forest fire protection districts would remain separate from county fire protection districts formed primarily to protect structures or to provide emergency medical service or other emergency services. The State of Nevada might achieve this aim by establishing a single, statewide forest fire protection district or separate districts by county. Also under this model, the NDF would pursue a block exchange program with the BLM or the Forest Service or both to exchange fire protection jurisdiction on specific lands with the intent of ‘blocking-up’ the jurisdiction into logical units.

The Division would continue its transitional all-risk emergency service role in Clark, Elko, Eureka, and White Pine Counties, but withdraw from all-risk emergency service functions in Carson City and Douglas, Storey and Washoe Counties. The NDF would also plan for the inevitable sun setting of its non-wildfire role in Clark County and for transitioning out of it as well.

Under this model, the Division would carry out its wildland fire responsibilities with a robust but largely seasonal workforce, augmented by the conservation camps, NDF helicopters, and bulldozers supported by adequate full-time staff to lead and administer the program effectively and supervise its field activities.

The legislature would fund the fire protection system from the State General Fund or by a statewide assessment of fees, as has been done in other western states, or in some manner that would assure more stable support for the compelling public function performed by the NDF. To achieve the envisioned comprehensive fire management system, the NDF, along with its federal cooperators, would employ the National Fire Management Analysis System (NFMAS) to determine the Division’s most efficient operating level in its existing NRS 473 Districts and in each additional county or district requiring NDF protection.

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NDF provides a vital service to Nevadans. It needs to change direction in its enabling legislation and funding mechanisms, and obtain substantial improvement in its resources—a larger budget—if it is to satisfactorily accomplish its mission. It merits the leadership and support of the Nevada State Legislature to accomplish these changes.